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Attorneys for Defendant and Counterclaimant
 RANDY S. FUSS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE HOUSEHOLDER GROUP LLLP, an
 Arizona Limited Liability Limited
 Partnership,

Plaintiff,

v.

RANDY S. FUSS, an individual,

Defendant.

Case No.: C 07-0573 SI

**STIPULATION TO MODIFY
 SCHEDULING ORDER; [PROPOSED]
 ORDER**

RANDY S. FUSS,

Counterclaimant,

v.

THE HOUSEHOLDER GROUP LLLP, an
 Arizona Limited Liability Limited
 Partnership,

Counter-defendant.

///

1 Plaintiff Householder Group and Defendant Fuss, by and through counsel of record,
2 hereby stipulate to extend deadlines which were established by the Court and counsel at the
3 September 14, 2007, Case Management Conference. In support of their stipulation, counsel
4 respectfully represent the following:

5 1. Counsel are cooperating in an effort to economize the legal expense incurred by
6 their respective clients while providing a framework which will enhance the ability to end this
7 litigation by either settlement or the Court's determination of the controlling legal issues.

8 2. Each of the parties has promulgated initial discovery which is more extensive than
9 that which was contemplated by counsel attending the CMC. The essential facts which must be
10 developed, in order for the parties to properly present partial summary judgment motions, at this
11 point in time appear to be more complex than earlier anticipated.

12 3. There is a high degree of probability that the Court's determination of those partial
13 summary motions will effectively force these parties to an early settlement. Such a settlement
14 would avoid the litigation's far more extensive discovery and trial preparations which would
15 otherwise follow and would very substantially elevate the parties' legal expenses. Judicial
16 economy would thereby be served.

17 4. The responses to each party's outstanding discovery requests are essentially due at
18 this time but cannot now be timely completed by either party. Each party has agreed to make the
19 other party a 20 day extension of the due date for pending discovery.

20 5. To properly prepare the partial summary motions which currently must be filed on
21 or before November 16, 2007, the parties will require the deposition testimony of key witnesses.
22 The requested discovery responses are required for the effective taking of those depositions.
23 Plaintiff will require one or possibly two depositions. Defendant will require at least three
24 depositions. The parties have worked in good faith to establish times to begin the deposition
25 process. Matching available openings in schedules has been a problem and will continue to be a
26 problem. Two deposition dates were preliminarily agreed upon but those depositions must be
27 continued until the outstanding discovery is completed.

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6. The current CMC deadline for filing the initial, partial summary judgment motions is November 16, 2007 with a hearing on such motions set for December 21, 2007. It is not possible for the parties to meet that schedule as set forth above.

7. The date currently set for NON-EXPERT DISCOVERY CUTOFF is December 14, 2007. That date is 7 days prior to the date currently set for arguments on the partial summary judgment motions. This is a case in which there will be as many as 10 to 15 depositions of NON-EXPERTS required. It is not in the interest of economy of attorney's fees to have all of those depositions concluded and other discovery completed prior to the Court's determination of the partial summary motions. Those determinations in all likelihood will result in a termination of the litigation.

8. The parties believe that a brief extension of the trial date by approximately 90 days, will best serve the above objectives.

The parties, having conferred in good faith, HEREBY STIPULATE that the scheduling order be modified as follows:

Motion for Partial Summary Judgment: March 7, 2008, 9:00 a.m.

Motion due: February 1, 2008

Opposition due: February 15, 2008

Reply due: February 22, 2008

Further Case Management Conference: April 11, 2008, 2:30 p.m.

Motions: July 11, 2008, 9:00 a.m.

Motion due: June 6, 2008

Opposition due: June 20, 2008

Reply due: June 27, 2007

Pretrial Conference: August 12, 2008, 3:30 p.m.

Trial: August ¹⁸~~26~~, 8:30 a.m. (Jury: 5 days)

Discovery Cutoff: March 14, 2008

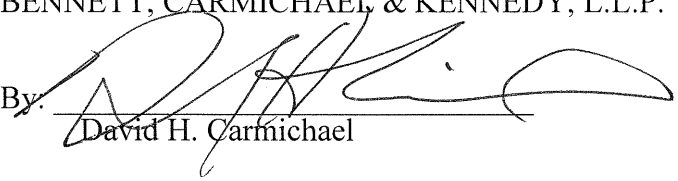
Designate Experts by: April 18, 2008

Rebuttal Experts: May 1, 2008

1 Expert Discovery Cutoff: May 30, 2008

2
3 Dated: October 22, 2007

BENNETT, CARMICHAEL & KENNEDY, L.L.P.

4
5 By: 
David H. Carmichael

6 Attorneys for Plaintiff

7 Dated: October 22, 2007

MARKUN ZUSMAN & COMPTON LLP

8
9 By: 
Amir Tadjedin

10 Attorneys for Defendant and Cross-Claimant
11 Randy S. Fuss

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

The previously set trial and pretrial deadlines are modified as follows:

Motion for Partial Summary Judgment: March 7, 2008, 9:00 a.m.

Motion due: February 1, 2008

Opposition due: February 15, 2008

Reply due: February 22, 2008

Further Case Management Conference: April 11, 2008, 2:30 p.m.

Motions: July 11, 2008, 9:00 a.m.

Motion due: June 6, 2008

Opposition due: June 20, 2008

Reply due: June 27, 2007

Pretrial Conference: August 12, 2008, 3:30 p.m.

Trial: August 26, 8:30 a.m. (Jury: 5 days)

Discovery Cutoff: March 14, 2008

Designate Experts by: April 18, 2008

Rebuttal Experts: May 1, 2008

Expert Discovery Cutoff: May 30, 2008

Dated: _____



Hon. Susan Illston
United States District Judge